

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
SW/S Poplar Avenue, 850' SE of the c/l of Shelbourne Road
(1237 Poplar Avenue) 13th Election District
1st Councilmanic District
Timothy C. Seiss, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1991 that the Petition for Residential Variance to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 5/14/91
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 14, 1991

Mr. & Mrs. Timothy C. Seiss
1237 Poplar Avenue
Baltimore, Maryland 21227

RE: PETITION FOR RESIDENTIAL VARIANCE
SW/S Poplar Avenue, 850' SE of the c/l of Shelbourne Road
(1237 Poplar Avenue)
13th Election District - 1st Councilmanic District
Timothy C. Seiss, et ux - Petitioners
Case No. 91-387-A

Dear Mr. & Mrs. Seiss:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-387-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at 1237 Poplar Avenue,

Baltimore, MD 21227
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

SEE ATTACHED PAGE

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Timothy C. Seiss
AFFIANT (Handwritten Signature)

Timothy C. Seiss
AFFIANT (Printed Name)

Marie M. Seiss
AFFIANT (Handwritten Signature)

Marie M. Seiss
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of May, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy Seiss & Marie Seiss

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5/15/91
DATE

[Signature]
NOTARY PUBLIC

My Commission Expires:

PETITION FOR RESIDENTIAL VARIANCE:

HARDSHIP OR PRACTICAL DIFFICULTY

91-387-A

The existing kitchen comprises 7% of a small single family home (approximately 1100 square feet including an unfinished basement) built in 1948. Basically in its original condition, the kitchen includes only 4 single cabinets, 2 drawers and 30" of counter space located within a 7'x9' room. This limited work space prevents more than one person from operating comfortably and effortlessly in the area. While these conditions may have suited the childless, elderly couple previously living at the residence, the impracticality and aggravation currently experienced will only augment as our family increases.

Expanding the present floor plan in one direction straight back toward the rear of the property would result in a "hallway-like" kitchen. Although this would increase "kitchen functionality" somewhat, it would not alleviate the existing anguish caused by the present limitation in overall living space. We feel that a kitchen expansion both to the side and the rear would provide enough space for a modern "eat-in" kitchen environment, equivalent to present-day design standards. This would allow the kitchen to function as a central gathering place and also provide for the much needed increase in storage and work space. It would also be impractical to increase kitchen space by building out to the rear and across the back of the house because the rear entrance to a hallway leading to the basement would be eliminated as well as the rear living room window.

ZONING DESCRIPTION

Beginning at a point on the Southwest side of Poplar Avenue which is 50 feet wide at the distance of 850 feet Southeast of the centerline of the nearest improved intersecting street, Shelbourne Road, which is 50 feet wide. Being Lot #30 in the subdivision of Poplar Avenue Continued as recorded in Baltimore County Plat Book J.W.B. #14, Folio #57, and recorded in Deed Liber 8358, Folio #230, containing 5575 square feet (0.128 acres) and having the following metes and bounds: S.51°24'E. 50 feet, S.38°36'W. 111.5 feet, N.51°24'W. 50 feet, and N.38°36'E. 111.5 feet to the place of beginning. Also known as 1237 Poplar Avenue and is located in #13 Election District

91-387-A

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-387-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty)

SEE ATTACHED PAGE

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Mr. Timothy C. Seiss

(Type or Print Name)

Signature

Mrs. Marie M. Seiss

(Type or Print Name)

Signature

W. 286-6805 or 286-7187

H. 536-9469

Address

Baltimore, MD 21227

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of April, 1991, that the subject matter of this petition be posted on the property on or before the 17th day of April, 1991.

J. Robert Haines

Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the ___ day of ___, 19___, at ___ o'clock, ___ A.M.

ORDER RECEIVED FOR FILING
Date 5/14/91
By [Signature]

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

DATE RECEIVED

DATE RECEIVED

DATE RECEIVED

DATE RECEIVED

Please Make Checks Payable To: Baltimore County
04AD400926NICHRC
0000010153AN04-02-91

\$60.00

Cashier Validation

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Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1237 POPLAR AVENUE

Subdivision name: POPLAR AVENUE CONTINUED

plat book # 14, folio # 57, lot # 30, section # 1

OWNER: TIM & MARIE SEISS

91-387-A

Petitioner's Exhibit 1

LOCATION INFORMATION

Councilmanic District: #7

Election District: #13

1"=200' scale map: SW-D5

Zoning: DR-5.5

Lot size: 128 5,575
acres square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

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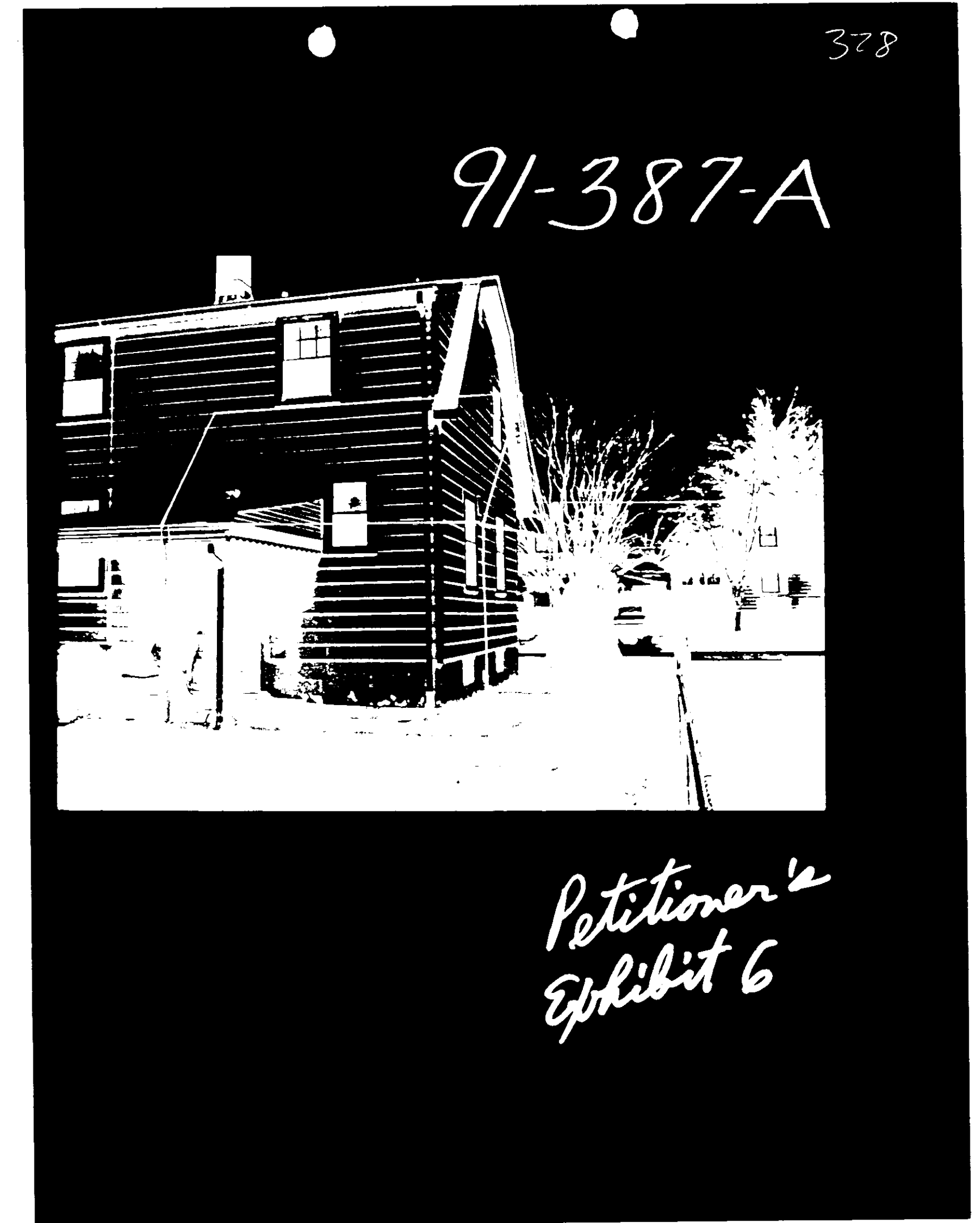
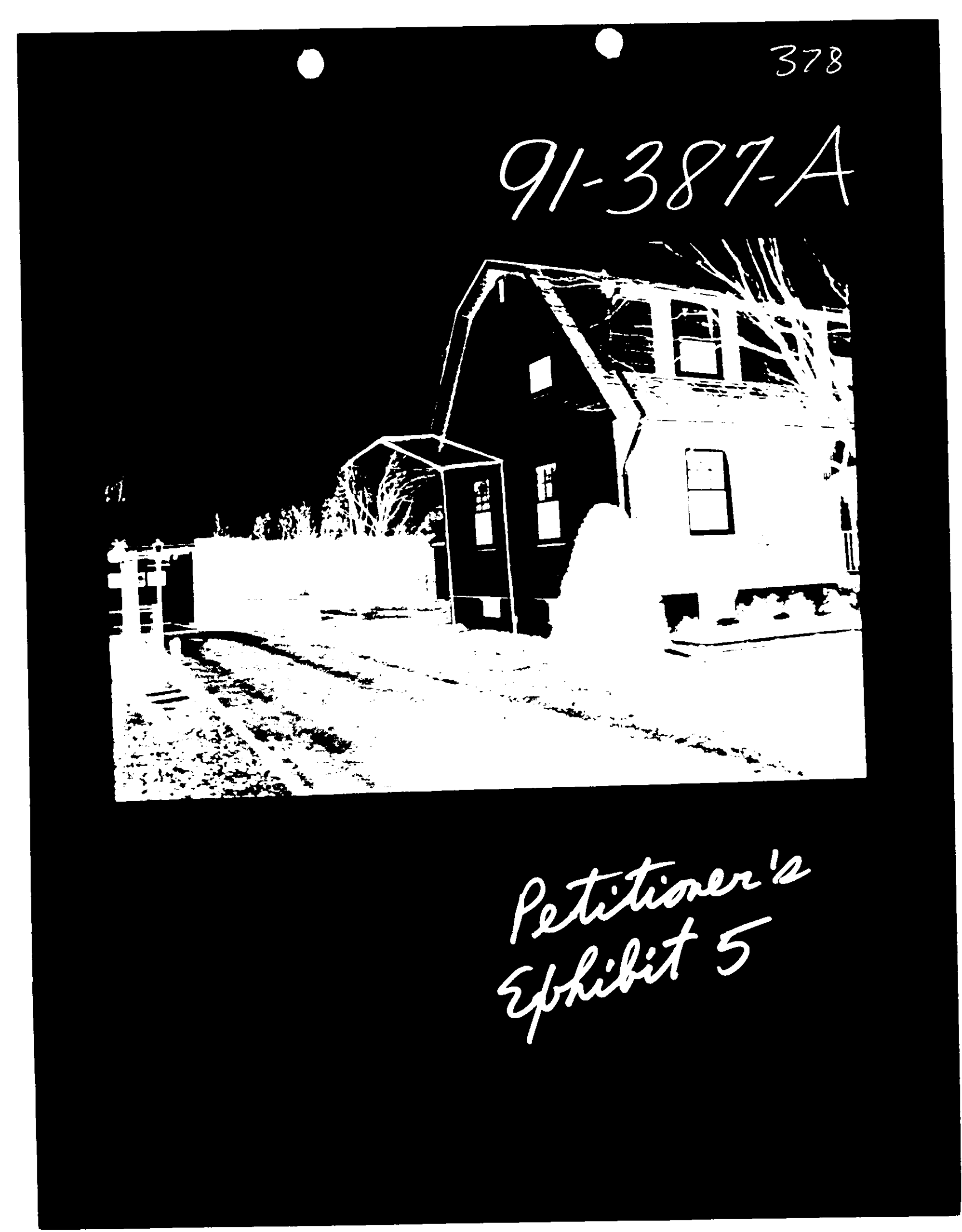
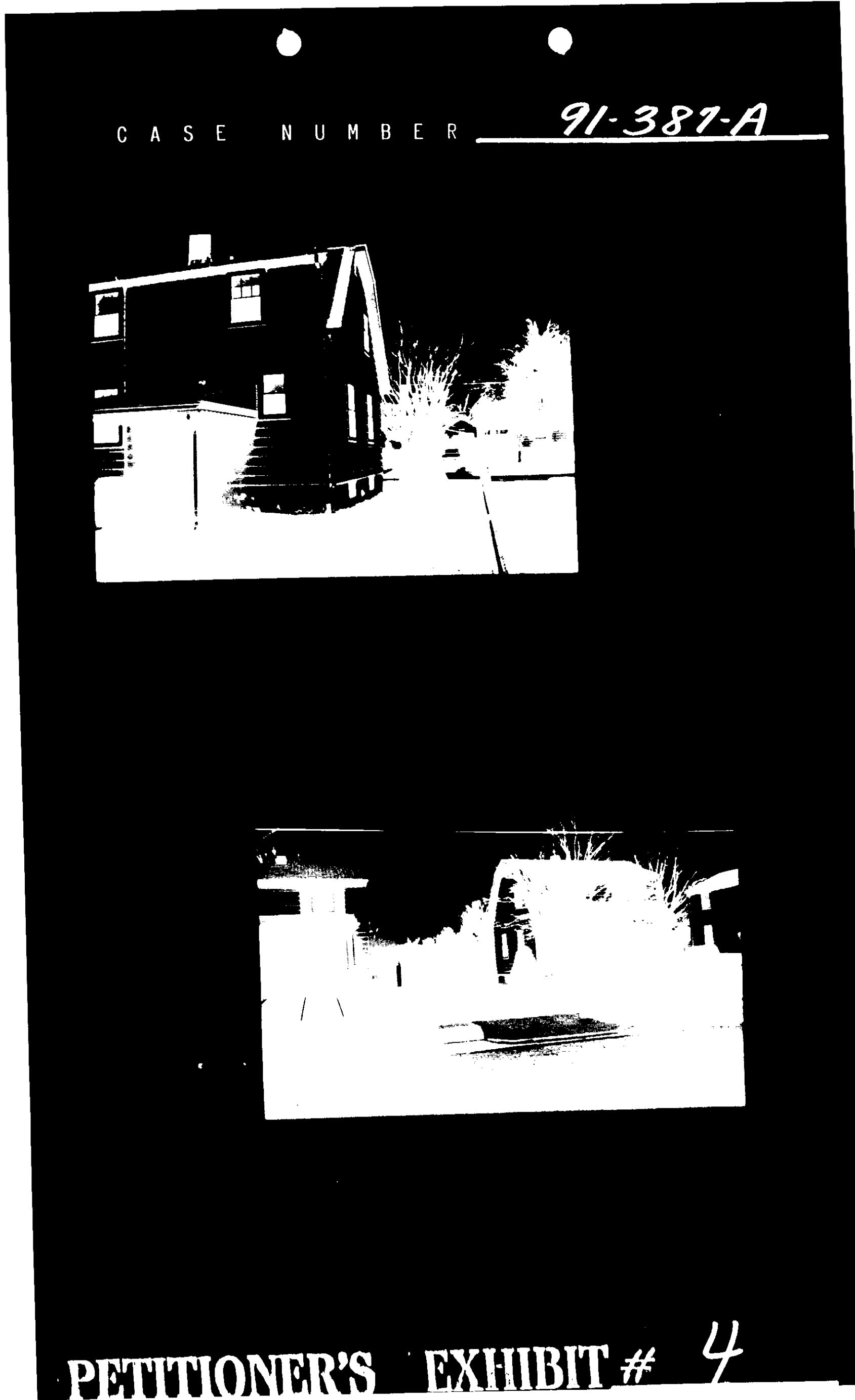
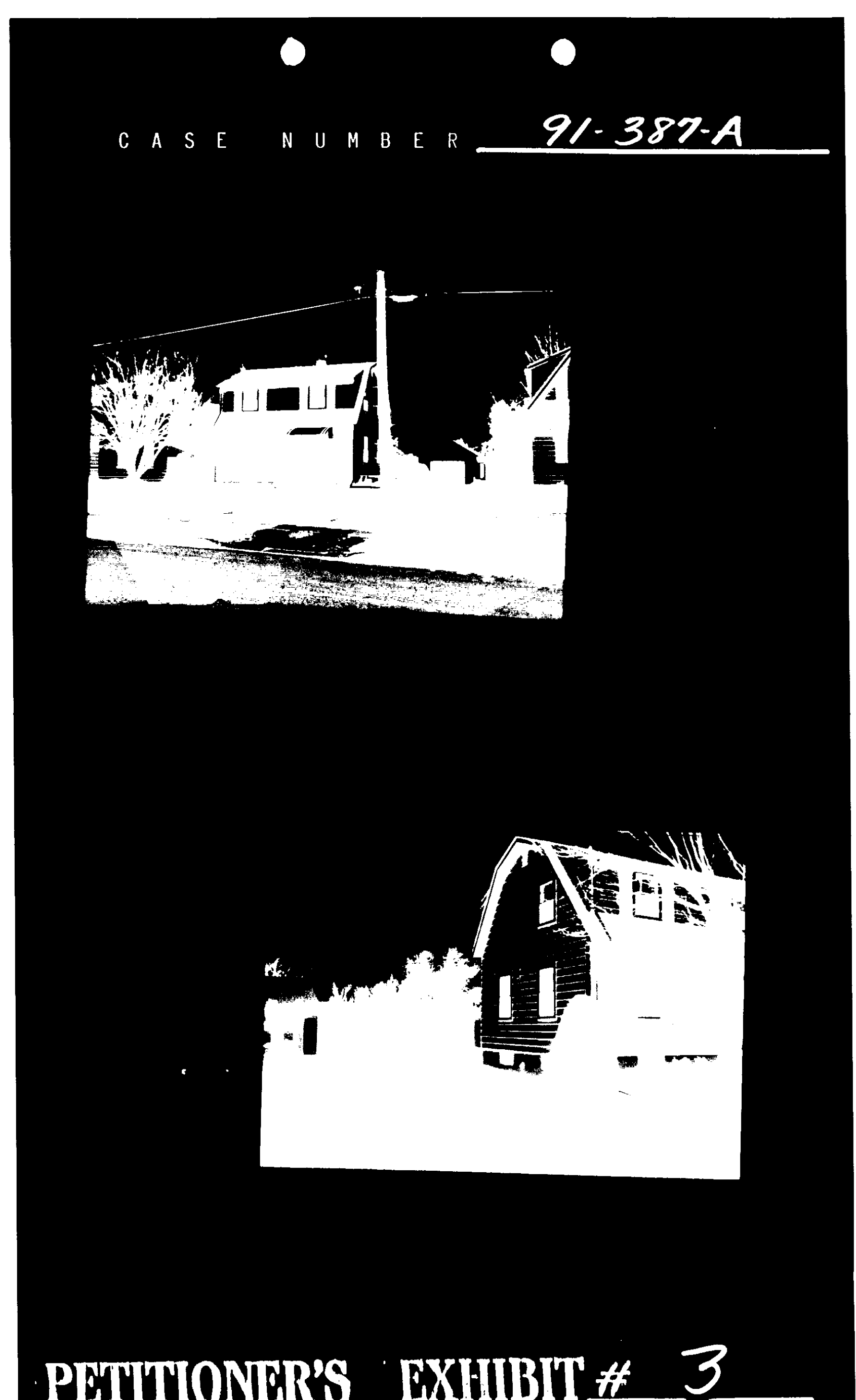
ADDENDUM TO PETITION FOR RESIDENTIAL VARIANCE
OF ZONING REGULATIONS AT 1237 POPLAR AVENUE

91-387-A

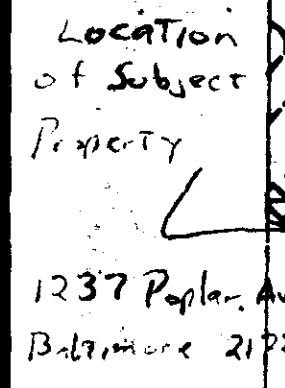
As an indication of our sentiments regarding a side-yard structural addition to the home at 1237 Poplar Avenue, we do not object to the building of such a structure. It is understood that the request to add to the existing home would extend from the side of the house and infract upon the zoning regulation requiring 10 feet from dwelling to property line. Approximately 40% of the homes on Poplar Avenue already have additions, some of which have required a variance similar to what is currently being requested at this time.

Petitioner's Exhibit 2

SIGNATURE	ADDRESS
<u>James R. Hannah</u>	<u>1237 Poplar Ave</u>
<u>May Kate Hannah</u>	<u>1235 Poplar Ave</u>
<u>A. Mann</u>	<u>1240 Poplar Ave</u>
<u>Dana Hargrave</u>	<u>1236 Poplar Ave</u>
<u>Thomas M. R.</u>	<u>1239 Poplar Ave</u>
<u>Joshua R. R.</u>	<u>1238 Poplar Ave</u>
<u>Robert R. R.</u>	<u>1241 Poplar Ave</u>



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SHEET

S.W.

5-D

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LOCATION OF
STREET
THICK LINE



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	HALETHORPE	S. W.
DATE OF PHOTOGRAPHY JANUARY 1986		5-D